

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

CR20-089-RAW

NELSON ONARO, D.O.,

DEFENDANT.

**UNOPPOSED/JOINT MOTION FOR CONTINUANCE CONCERNING DEFENDANT'S
IMPENDING SENTENCING**

COMES NOW, the parties, by and through their counsel of record, respectfully request this court to *continue* the Defendant's sentencing date currently set for July 14th, 2022. The Federal Government **concurs** with this motion. Defendant states as follows:

1. Defendant currently pled to the subject charges June 30th, 2021.
2. The Presentence Investigation Report was completed June 15th, 2022.
3. The Court on July 7th, 2022, ordered by and through its minute that Defendant's sentencing will take place July 14th, 2022.
4. Defendant's counsel and the Department of Justice's counsel conferenced by telephone on July 8th, 2022. During said conference, both sides agreed that a continuance should occur in the instant case based on:
 - a. The DOJ's counsel's calendar, coupled with the sudden notice, made the date impracticable for their appearance from out of state; and, more importantly,

b. Defendant's election to file a motion to withdraw his plea in light of the US Supreme Court's decision in *Ruan v. United States*, 597 U.S. ____ (2022), which was distributed by the court on June 27th, 2022.

5. Subsequent to this motion, Defendant will file a Motion to Withdraw his Plea based on, *inter alia*, Rule 11(d)(2)(B), case law precedent, and the Supreme Court's holding in *Ruan*. Said motion will require briefing by both sides and will need to be set for hearing.

WHEREFORE, the parties – jointly – respectfully request this court to grant a continuance for Defendant's sentencing to be reset after argument heard on Defendant's Motion to Withdraw.

s/ Zachary Enlow

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CERTIFICATE OF SERVICE

I, Zachary Enlow, Esq., certify that a true and correct copy of the foregoing was served via ECF electronic transmission on September 28, 2020 to:

Ryan Conway, AUSA,

Dan Griffin, DoJ

Christopher Jason, DoJ

s/ Zachary Enlow

Zachary Enlow